

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

J.V., <i>a minor, individually and on behalf of</i>)	
CRYSTAL MARLENA PRICE, <i>deceased</i> ,)	
)	
Plaintiff,)	
)	No. 3:12-CV-0673
v.)	(JORDAN/SHIRLEY)
)	
ROANE COUNTY, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and the Order of the District Judge [Doc. 20].

Now before the Court is Plaintiff's Motion to Consolidate [Doc. 18]. Counsel for Plaintiff submits that on December 8, 2012, a complaint was filed by Angela Davis, on behalf of the estate of Crystal Davis and minor children J.V. and D.H, captioned Angela Davis v. Roane County et al., Case No. 3:12-CV-634. Counsel asserts that the complaint in that case incorrectly asserted that Angela Davis had custody and guardianship over J.V. Counsel submits that he was hired by the actual custodian and guardian of J.V. and was not aware of Angela Davis v. Roane County et al., Case No. 3:12-CV-634, when he filed the instant case. Plaintiff now moves the Court to consolidate these cases and asserts that they present the same questions of law and fact.

The Court finds, first, that the Defendants have not responded in opposition to the Motion to Consolidate, and the time for doing so has expired. See E.D. Tenn. L.R. 7.1. Normally, the Court would find that the relief requested could be granted based upon the failure to respond

alone. The Court finds, however, that the Plaintiff has not stated that she has served the instant motion on any of the parties in Angela Davis v. Roane County et al., Case No. 3:12-CV-634, and as a result, the Court is not inclined to base its ruling on the failure to respond alone.

Instead, the Court finds that Rule 42(a) of the Federal Rules permits the Court to consolidate cases that present a common question of law or fact. The Court finds that the instant case and Angela Davis v. Roane County et al., Case No. 3:12-CV-634, present numerous common questions of law and fact, and the Court finds that it is appropriate to consolidate the two actions. [See Doc. 33 in Case No. 3:12-CV-634; Doc. 1 in Case No. 3:12-CV-673]. Accordingly, the Court finds that the Motion to Consolidate [**Doc. 18**] is well-taken, and it is **GRANTED**. An Order of Consolidation will follow.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge